

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Jonathan Wayne Harts, #1335,

Plaintiff,

vs.

Mr. Daughtery, Director; Scotty Bodiford,
Assistant Director; and Mrs. NFN Krein,
Head of Medical Services, all of
Greenville County Detention Center,

Defendant.

Civil Action No. 8:06-3374-MBS-BHH

REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On March 12, 2007, the defendants filed a motion for summary judgment. On March 13, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff's last known address (Jonathan Wayne Harts 1335, Greenville County Detention Center, 20 McGee Street, Greenville, SC 29601) advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court as the plaintiff was released from the Greenville County Detention Center on March 14, 2007.

The record reveals that the plaintiff was advised by order dated December 6, 2006, of his responsibility to notify the court *in writing* if his address changed. He has not.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution and for violation of the Court's December 6, 2006, Order.

s/Bruce Howe Hendricks
United States Magistrate Judge

April 11, 2007

Greenville, South Carolina